

## **REMARKS:**

### **Claims**

Claims 1-14 were pending in the application. Claims 1, 3-5, 7-10, and 12-13 have been amended. Claims 2 and 14 have been cancelled. Claims 15-23 have been added. Claims 1, 3-13 and 15-23 are currently pending in this application.

### **Claim Objections**

Claims 3-5 were objected to for informalities. Claims 3-5 were amended to correct the informalities. Applicant respectfully requests the Examiner withdraw the objection to claims 3-5.

### **35 U.S.C. §101 Rejections**

Claim 14 has been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. As claim 14 has been cancelled, the rejection of claim 14 is believed moot.

### **35 U.S.C. §112 Rejections**

Claim 7 has been rejected under 35 U.S.C. §112, second paragraph as being indefinite. Claim 7 has been amended to correct the antecedent basis issue. Applicant respectfully requests the Examiner withdraw the rejection to claim 7.

### **35 U.S.C. §103 Rejection**

Claims 1-14 have been rejected under 35 U.S.C. §103 as being unpatentable over McDysan (U.S. Patent No. 6,788,498) (hereinafter “McDysan”) to Bartlett (U.S. Patent Application Publication Number 2003/0177396) (hereinafter “Bartlett”). Applicant respectfully disagrees with these rejections.

McDysan and Bartlett do not disclose, teach, or suggest, either separately or in combination, at least “receiving a signal, **separate from the received data**, indicating that the data is to be transferred to the computer system with a guaranteed quality of service, wherein the signal is received from a network control system server and wherein the data is received by a

separate content provider” (emphasis added) as recited in amended claim 1. Neither McDysan nor Bartlett appear to teach a device (a network control system server) indicating the quality of service for data sent from a separate device (the content provider) where the quality of service signal is separate from the data. This may allow, for example, a separate device on, for example, the wide area network to control the quality of service provided to data from other devices to centralize the coordination of data transmission priorities. McDysan teaches packet DSCPs, but DSCPs are sent in the data packet, not by a separate network entity. Further, the cited section of Bartlett (e.g., cited in the Examiner’s rejection of claim 2) does not provide any teaching for a signal, separate from the received data, indicating a quality of service for the data or where the quality of service signal is sent by a network control system server for data sent by a separate content provider. Applicant respectfully asserts claim 1 and claims dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 1 and claims dependent thereon.

McDysan and Bartlett do not disclose, teach, or suggest, either separately or in combination, at least “wherein establishing the communication link comprises establishing a standard session initiation between the digital device and the computer system” as recited in amended claim 7. Applicant respectfully asserts claim 7 and claims dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 7 and claims dependent thereon.

In addition, McDysan and Bartlett do not disclose, teach, or suggest, either separately or in combination, at least “receive data destined for the computer system from a content provider” and “receive the guaranteed quality of service signal from the network control system server, wherein the guaranteed quality of service signal specifies a guaranteed quality of service; format the data to indicate that the data is to be transmitted over the local area network at the specified guaranteed quality of service” as recited in amended claim 8. For similar reasons as provide above with respect to claim 1, McDysan and Bartlett do not appear to teach a network control system server sending a guaranteed quality of service signal for data sent by a content provider. As recited in claim 8, the data is received from a content provider and the signal for the guaranteed quality of service for the data is received from a network control system server.

Applicant respectfully asserts claim 8 and claims dependent thereon are allowable for at least the above reasons.

Applicant also respectfully notes McDysan and Bartlett do not disclose, teach, or suggest, either separately or in combination, at least “**a network control system server** configured to send a guaranteed quality of service signal to a digital device...” where the digital device is operable to “send the data to the computer system in order to **establish a guaranteed quality of service path between the wide area network and the local area network**” and “wherein the network control system server is configured to establish a dedicated communication route between the content provider and the digital device **through the circuit-switched infrastructure** based on a desired guaranteed quality of service over the WAN and the respective Internet Protocol (IP) addresses of the content provider and the computer system” (emphasis added) as recited in claim 10 (dependent upon claims 9 and 8). For example, the Examiner’s cited section of McDysan does not even appear to mention a circuit-switched infrastructure. Applicant respectfully submits claim 10 is also allowable for at least the above reasons.

For similar reasons as provided above with claim 1, McDysan and Bartlett do not appear to disclose, teach, or suggest, either separately or in combination, at least “receiving a signal, **separate from the received data**, indicating that the data is to be transferred to the computer system at a guaranteed quality of service” and “wherein the signal is received from a network control system server and the data is received from a content provider, **separate from the network control system server**, on the wide area network (emphasis added)” as recited in amended claim 13. Applicant respectfully submits claim 13 is allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 13.

Applicant respectfully disagrees with the rejection of claim 14, however, as claim 14 has been cancelled, the rejection is believed moot.

**New Claims**

Applicant respectfully submits the cited art does not disclose, teach, or suggest at least the combination of elements presented in new claims 15-23.

**CONCLUSION:**

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

Applicant has petitioned herewith for what is believed to be the appropriate extension of time. If any further extensions are necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/6057-53100/REH.

Respectfully submitted,

Date: July 16, 2008

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